

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RECEIVED

2007 OCT 24 P 3:28

UNITED STATES OF AMERICA)

CR.NO. 1:07cr263-SRW

V.)

[18 USC 13; Code of Ala.

32-5A-191(a)(1)(2); 32-5A-330; 32-06-01]

SEBASTIAN BERNABE)

INFORMATION

The United States Attorney charges:

COUNT ONE

On or about the 14th April 2007, at Fort Rucker, Alabama, in the Middle District of Alabama, SEBASTIAN BERNABE did unlawfully operate a motor vehicle while there was 0.08 percent or more by weight of alcohol in his blood and did unlawfully operate a motor vehicle while under the influence of alcohol in violation of Title 32, Section 5A-191(a)(1) and (2), Code of Alabama 1975, and Title 18, Section 13, United States Code.

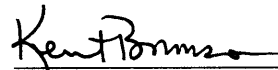
COUNT TWO

On or about the 14th of April 2007, at Fort Rucker, Alabama, in the Middle District of Alabama, SEBASTIAN BERNABE did have in his possession alcoholic beverages in an open container in the passenger area of a motor vehicle on a public highway of the state of Alabama, in violation of Title 32, Section 5A-330, Code of Alabama 1975, and Title 18, Section 13, United States Code.

COUNT THREE

On or about the 14th of April 2007, at Fort Rucker, Alabama, in the Middle District of Alabama, SEBASTIAN BERNABE did not procure a driver's license before driving a motor vehicle upon the highways of the state of Alabama, in violation of Title 32, Section 6-1, Code of Alabama 1975, and Title 18, Section 13, United States Code.

LEURA GARRETT CANARY
UNITED STATES ATTORNEY



KENT B. BRUNSON
ASSISTANT U.S. ATTORNEY




EMILY M. RUISANCHEZ
SPECIAL ASSISTANT U.S. ATTORNEY
GA BAR NO. 142573
Office of the Staff Judge Advocate
Soldier Service Center, Building 5700
Fort Rucker, Alabama 36362-5000
(334) 255-9141

)

The undersigned, being first duly sworn, deposes and says:

I am a Military Policeman at Fort Rucker, Alabama. On the 14th of April 2007, I responded to a suspected DUI at the Enterprise Gate. A 4-door green sedan was at the gate; the driver could not present either his driver's license or other paperwork for the vehicle. One of the gate guards, CDA Alatorre, said the driver seemed incoherent and unaware of his surroundings. Another officer, SPC Kuilan, served as an interpreter and conducted field sobriety tests, which I observed. Having failed the sobriety tests, the driver was to be taken to the MP Station for a blood alcohol content test. I received oral permission from the driver to move his vehicle from the roadway, and when I went to open the door, I saw two open bottles of Budweiser beer on the front floorboard in front of the passenger seat. When I got in the vehicle, I saw a third open bottle in the passenger floorboard near the center console and the passenger seat. After receiving visual confirmation from another officer, SGT Aultman, we both noticed easily that the vehicle also had a strong odor of alcohol. At the MP Station, the driver was asked his name in Spanish. He replied that his name began with a "B." The driver was further questioned about his name, but the driver would not say. A tattoo was noticed on the driver's arm, and it read "Bernarda Sebastian." Further investigation revealed the driver's name was SEBASTIAN BERNABE. BERNABE was then put on the dragger, which Officer Kuilan operated. BERNABE'S result was .18. He was further processed and placed into the D-Cell until his blood alcohol content went back to .00.


ROBERT E. CARTER, SR., SPC, U.S. ARMY

Subscribed and sworn to (or affirmed) before me on this 3rd day of Oct 2007.

Cynthia L. Lorken
NOTARY PUBLIC

My commission expires: **NOTARY PUBLIC STATE OF ALABAMA AT LARGE**
MY COMMISSION EXPIRES: July 2, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS